

**REMARKS**

Claims 1, 2, 4, 5, 9, 10, 11, 13, 14, 18, 19, 20, 22, 23, 27, 28, 29, 33, 34 and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U. S. Patent No. 5,594,720 (Papadopoulos et al.) in view of U. S. Patent No. 6,334,057 (Malmgren et al.); and claims 3, 12 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Papadopoulos et al. in view of Malmgren et al. and in further view of U. S. Patent No. 5,937,002 (Andersson et al.). Applicants respectfully disagree based on the following.

With respect to independent claims 1, 10 and 19, Applicants respectfully submit that none of the prior art in any reasonable combination discloses the elimination of a timeslot for all users if most of the users exceed a threshold and for an individual user if the interference measurement for that user exceeds a threshold. Such a technique provides an efficient and flexible assignment technique. When a majority of users have a dynamic interference measurement exceeding a threshold, it is a good indicator that the timeslot is essentially bad for most of the cells and should not be assigned. However, when only a few users are experiencing interference, that is an indication that this may only affect users in a certain portion of the cell and other users should not be prohibited from using that timeslot.

With respect to independent claims 28 and 33, Applicants respectfully submit that none of the prior art discloses that the production of an availability list and the surrounding elements of those claims. In the office action, it is alleged that

**Applicant:** Ozluturk et al.  
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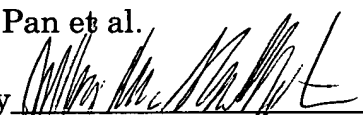
producing an availability list is somewhat inherent. The revised claims refer to producing availability lists and actually transferring that availability list from a radio network controller to a base station. Such a technique allows for a radio network controller to control the resources between cells and develop an optimum availability list for a particular cell and then send that list to a base station. A base station uses this list to dynamically assign uplink and downlink timeslots. Since the base station is doing the actual assignment of the uplink and downlink timeslots, the speed of which this assignment is done is very quick which provides for a much better usage of the available base station resources. The radio network controller can update the availability list on a list periodic basis and coordinate between different cells.

Reconsideration and entry of this reply is respectfully requested.

Respectfully submitted,

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